



Development Services Department

November 21, 2014

Christopher Calfee, Senior Counsel
Governor's Office of Planning and Research
1400 10th Street
Sacramento, CA 95814

Subject: Proposed Revisions to the CEQA Guidelines for Updating Transportation Impacts Analysis in Accordance with SB473

Dear Mr. Calfee:

The City of Chula Vista provides the following comments on the Draft CEQA Guidelines addressing transportation impacts. As we understand it, the revised Guidelines will change the manner in which traffic impact related to development project will be analyzed in CEQA documents. The Guidelines will change the threshold standard for traffic impacts from Level of Service (LOS) to Vehicle Miles Travelled (VMT). The intent of CEQA is to disclose potential impacts associated with a project to the public and to inform decision-makers when considering a project. LOS has long been the standard used in CEQA documents to explain and disclose the impacts of projects. LOS thresholds have been used for many years in CEQA documents at every level from General Plan EIRs to project specific analysis.

The VMT analysis for individual projects is not well developed in the transportation engineering profession. The effects of eliminating roadway capacity/level of service analysis as a CEQA performance measure relates to policy issues rather than technical calculations. Under the current Draft Guidelines, VMT specific plan projects would need to be calculated based on an average VMT per capita, per employee, or some other appropriate measure. Averages can be misleading if not properly used and additional detail on methodology considerations will be needed at the lead agency level in order to provide adequately analysis of individual projects. Since VMT project impacts are analyzed from an average per capita, per employee, per trip, per person-trip or other appropriate measure, the implications of VMT analysis may vary substantially depending on the type of project and location that is proposed.

The proposal to switch from LOS to VMT may be difficult to implement in the short term. Currently VMT models are used for GHG analysis and other potential impact areas. They have not been modified to accommodate project transportation impact analysis. Metropolitan

Planning Organizations (i.e. SANDAG) will need time to update their models to fully include VMT.

Although no longer a CEQA threshold analysis, level of service impact may still need to be conducted to ensure a project provides funding for its share of the infrastructure needs identified through the General Plan and other planning documents. For some projects, such as those in Chula Vista, this may result in an applicant having to prepare two different analyses for their project. VMT modeling and analysis for the CEQA document; and level of service analysis to determine the project's fair share contribution toward infrastructure facilities. The City of Chula Vista has an existing development impact fee (DIF) program that is used to pay for infrastructure that has a nexus to improvements that are necessary to accommodate the build out of the City. The DIF program divides the total price of future multi-modal infrastructure by total trips left to build out. The DIF has been set up as the reasonable contribution necessary to mitigate cumulative impacts. The new guidelines as proposed will allow for this type of analysis, however, General Plans and other implementing plans adopted by a jurisdiction will likely need to be amended to reflect how infrastructure is envisioned to be built.

The use of the "regional average" for a significant threshold is undefined. In addition, it appears that projects that are above the regional average (49 percent) could be found to have significant impacts. As a result, the use of Negative Declarations for infill projects where impacts are found to be significant because they fall above the regional average would be limited, thereby increasing the overall cost and time to achieve CEQA clearance.

The revised guidelines should include a discussion on appropriate mitigation measures to provide better guidance to agencies on how to address potential impacts. The mitigation measures included in the proposed revisions to Appendix F should be moved into the new §15064.3 for that purpose.

We are in agreement that a level of discretion must be left to the lead agency in implementing these new guidelines. For example, Chula Vista has a large part of the City that is being developed as Planned Communities. These projects are designed to be pedestrian and bicycle friendly and include multi-modal streets and transit. The west side of Chula Vista is an older area that has been developed over the last 100 years in the typical vehicle centric style popular in California. Infill projects in this area often trigger LOS impacts in an area where wider streets are neither preferred nor feasible. In these types of cases a jurisdiction should have the flexibility to determine where best to use LOS (greenfield not close to transit) and where best to use VMT (infill close to transit). We are concerned that a lack of clarity in the guidelines will likely result in the guidelines being further refined through litigation.

An ample time period is necessary to implement the proposed changes. The draft Guidelines and SB743 are extensive changes to the way that CEQA traffic impact analysis has been prepared for CEQA documents for some time. An implementation date of January 1, 2016 is not a sufficient

grace period to implement the new thresholds. Lead agencies need sufficient time to determine suitable thresholds and regional transportation planning agencies need adequate time to update traffic modeling to fully encompass VMT.

Section 15064.3(3) adds a consideration of local safety in determining the significance transportation impacts of a project. Specifically the section states, "Local Safety, in addition to a project's effect on vehicle miles traveled, a lead agency may also consider localized effects of project-related transportation on safety..." The section then goes on to suggest questions that could be included related to safety. We recommend that the section on safety be deleted from the draft. The types of facilities (freeway ramps, pedestrian and bicycle crossings and travel lanes/pathways, etc.) that the section refers to are ultimately designed based on the professional judgment of a Registered Civil Engineer (RCE). A licensed RCE is obligated to design safe facilities, therefore, this is not an accurate threshold for measuring a project's impacts.

It is important that the updated guidelines also include provisions to ensure that the new thresholds and methodologies not affect an agency's ability to tier from existing adopted and certified CEQA documents. If these guideline amendments constitute a "change in circumstances" since previous documents were approved, then we will potentially have to do new analyses when implementing approved projects.

We look forward to reviewing future drafts of the proposed revisions to the guidelines. Please add me to your notification list.

Sincerely,



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Principal Planner

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